

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JIMMY DAVIDSON**

**PLAINTIFF**

**v.**

**No. 3:18CV18-JMV**

**WARDEN TIMOTHY OUTLAW, ET AL.**

**DEFENDANTS**

**JUDGMENT**

In accordance with the memorandum opinion entered this day:

- (1) Defendants *Sergeant Mildred and Officer Moore* are **DISMISSED** with prejudice from this case, as the plaintiff intends them to be witnesses, rather than defendants;
- (2) Defendants *Timothy Outlaw and Marjorie Brown* are **DISMISSED** with prejudice from this case, as the plaintiff has sued them only in their capacity as supervisors;
- (3) Defendant *Case Manager Jones* is **DISMISSED** with prejudice from this case, as she participated in the events only through the prison grievance process;
- (4) Defendant *Officer Boyd* is **DISMISSED** with prejudice from this case, as her actions did not cause the plaintiff any harm;
- (5) Defendant *Nurse Hill* is **DISMISSED** with prejudice from this case, as he merely lifted the plaintiff from his wheelchair onto the examination table;
- (6) The plaintiff's *claims regarding denial of adequate food* are **DISMISSED** with prejudice, as the defendants deprived him of food for only 29 hours, which is an insufficient deprivation to state a constitutional claim;
- (7) Defendant *Case Manager Lang* is **DISMISSED** with prejudice from this case, as he participated only regarding the plaintiff's claim of denial of adequate food, which will be dismissed;

- (8) The plaintiff's *claims regarding failure to recognize the fall risk he posed* when assigned to a top bunk are **DISMISSED** with prejudice, as such conduct sounds wholly in negligence and fails to state a constitutional claim; and
- (9) The plaintiff's *claims against Nurse Gail for denial of adequate medical care* (requiring him to walk to medical with a broken hip in order to receive treatment) will **PROCEED**.

**SO ORDERED**, this, the 16th day of July, 2019.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE